



Regular Meeting of Council
Agenda

Date: September 28, 2020
Time: 1:00 pm
Location: Council Chambers Level 2, City Hall

Due to COVID-19 this meeting will be conducted as a virtual meeting, with no public attendance. Only the Mayor, along with a clerk and audio/visual technician, will be in council chambers, with all other staff and members of council participating in the meeting by calling in remotely. The meeting will be live web streamed, as usual, and archived on the city website.

1. **Call to Order:**
2. **National Anthem:**
3. **Regrets:**
4. **Proclamations:**
 - 4.1 Legion Week: September 20-28, 2020
 - 4.2 Wrongful Conviction Day: October 2, 2020
 - 4.3 Fire Prevention Week: October 4-10, 2020
 - 4.4 Respiratory Therapists Week: October 25-31, 2020
5. **Motion to Approve Council Minutes:**

Confirm the minutes of the following meeting of Council:

 - 5.1 Regular meeting of Council August 24, 2020
6. **Recognitions and Achievements:**
7. **Presentations:**
8. **Declarations of Interest:**

9. Delegations:

Requests to delegate to this virtual meeting can be made by completing the online delegation registration form at www.burlington.ca/delegation, or by submitting a written request by email to the Clerks Department at clerks@burlington.ca by 9:00 am on the day the meeting is to be held. All requests to delegate must contain a copy of the delegate's intended remarks which will be circulated to all members of Council in advance as a backup should any technology issues occur. If you do not wish to delegate, but would like to submit feedback, please email your comments to clerks@burlington.ca. Your comments will be circulated to Council members in advance of the meeting and will be attached to the minutes, forming part of the public record.

10. Recommendations from Standing Committees:

10.1 Environment, Infrastructure & Community Services meeting of September 14, 2020

a. Public tree removal report - 280 Green Street (RPF-24-20)

Approve the request by the applicant to remove one city tree in order to safely disconnect a natural gas service line required for the demolition of the existing residence; and

Instruct the applicant, Paul Ribau (Stonemill Developments Inc.), to provide compensation for the tree removal by providing cash in lieu of replacement totaling \$2,700.00. The funds will provide for new tree plantings in front of the proposed houses and provide care and maintenance for the first two years; and

Direct that all associated costs with respect to the removal of the trees (including stump removal) will be the responsibility of the applicant, and the contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate.

b. Tender award - DesJardines Park improvements including new splash pad and playground (CW-28-20)

Award the tender for contract CW-20-42, DesJardines Park Improvements to Rutherford Contracting Ltd., 22 Earl Stewart Drive, Aurora, ON L4G 6V7, for \$842,052.00 including HST; and

Authorize the Mayor and City Clerk to sign any required agreements with the Bidder named above, subject to the satisfaction of the Executive Director of Legal Services and Corporation Counsel; and

Approve the total cost of \$970,250 (Net HST) to be charged to Capital Order PR0145 and funded as follows:

Infrastructure Renewal Reserve Fund	\$196,707
Park Dedication Reserve Fund	506,707
Public Benefits Reserve Fund	266,836
Total Project Financing	\$970,250

c. Imperial Oil Pipeline – Crossing Agreement (EICS-12-20)

Authorize staff to negotiate and the Mayor and Clerk to enter into a Crossing Agreement with Imperial Oil Limited, on behalf of the City of Burlington, and any necessary ancillary documents which set out the roles, responsibilities and obligations of the parties with respect to the Imperial Oil Limited, Waterdown to Finch Pipeline Project where it crosses City-owned rights-of-way and property, in a form satisfactory to the City Solicitor and with content satisfactory to the Interim Director of Capital Works and the Executive Director of Environment, Infrastructure & Community Services.

d. Residential deep energy retrofit pilot program (EICS-18-20)

Authorize the Mayor and Clerk to enter into an agreement with the Centre of Climate Change Management at Mohawk College to project manage the development of a pilot home energy efficiency retrofit program to the satisfaction of the Executive Director of Legal Services; and

Approve a budget of \$182,000 for year one of this project from the Tax Rate Stabilization Reserve Fund; and

Direct the Executive Director of Environment, Infrastructure and Community Services to report back to council within one year on the progress of the pilot program and confirm the budget request for year two.

10.2 Community Planning, Regulation & Mobility meeting of September 15, 2020

a. Statutory public meeting and recommendation report for approval of zoning by-law amendment to permit a long-term care facility at 4103 Palladium Way (PL-20-20)

Approve the application made by Better Life Retirement Residence Inc. (c/o Design Plan Services), to permit the development of a six (6) storey long-term care facility and associated ancillary uses on the lands known as 4103 Palladium Way; and

Approve the by-law to amend Zoning By-law 2020, rezoning the lands at 4103 Palladium Way from “BC1-319” to “BC1-505”, substantially in accordance with the draft regulations contained in Appendix B of community planning department report PL-20-20; and

Deem that the proposed by-law will conform to the Official Plan of the City of

Burlington and that there are no applications to alter the Official Plan with respect to the subject lands; and

Approve the proposal by Better Life Retirement Residence Inc. to remove one (1) city-owned tree from the Palladium Way right-of-way in front of the property at 4103 Palladium Way, subject to the following:

- a. The Owner shall obtain a Tree Permit and compensate the City of Burlington for the tree removal by providing compensation in an amount to be determined at the Site Plan stage; and
- b. All associated costs with respect to the removal of the trees will be the responsibility of the Owner and the contractor hired to remove the trees will be approved to the satisfaction of the Executive Director of Capital Works.

- b. Statutory Public Meeting and recommendation – 420 Guelph Line official plan amendment and rezoning applications (PL-49-20)

Refuse the application for official plan and zoning by-law amendments submitted by Weston Consulting, on behalf of Valour Capital Inc. for the development of a 13-storey residential building on the property located at 420 Guelph Line.

- c. Metrolinx Multi-year Governance Agreement (TR-05-20)

Authorize the Mayor and City Clerk to sign the Multi-year Governance Agreement with Metrolinx, for the period ending March 31, 2024, with an option to extend until March 31, 2029 subject to the satisfaction of the Executive Director of Legal Services and Corporation Counsel; and

Authorize the Manager of Procurement Services to execute future purchases covered by the Multi-year Governance Agreement in accordance with applicable city purchasing policies and by-laws; and

Authorize the Transit Maintenance Manager to be appointed to the Project Steering Committee and the Director of Transit to be appointed as an alternate, as outlined in the Multi-year Governance Agreement.

- d. Burlington Economic Development Corporation Governance Review (CM-27-20)

Adopt the recommendations contained within Appendix A to city manager's office report CM-27-20 (MDB Insight Report pages 29-31); and

Direct the City Manager to work with Burlington Economic Development to implement the recommendations and next steps outlined in the report.

- e. Development review – pre-application community meeting protocol (PL-23-20)

Endorse staff implementation of the document titled Pre-application Community Meeting Protocol attached as Appendix A to community planning report PL-23-20, as amended, by modifying Appendix A to community planning department report PL-23-20 as follows:

- On page one, in the background section, add the words "the Mayor (or designate)", to the last sentence.
- Add the words "(or designate)" after "the Mayor" throughout the document.
- On page 3, in the section describing the distribution of meeting invitations, add "all of council" to get the notification.
- On page 3, at the end of the section describing notification, add new sentence "The city will review the notice and meeting design, in conversation with the Ward Councillor and the Mayor (or designate), before it is mailed to ensure it contains all relevant details".
- On page 4, in the section describing introductions at the meeting, add "any other council members present" also be introduced.
- On page 4, in the Guide to Planning Process section, add "city staff will indicate that residents can subscribe to the development webpage to receive notification when an application is received, any future public meetings, and other details".

10.3 Audit Committee meeting of September 16, 2020

- a. External audit results for the external audit for 2019 (F-20-20)

Receive and file finance department report F-20-20 presenting information on the external audit results for 2019.

- b. Summary of audit results - corporate cloud computing management audit (CA-05-20)

Receive and file City Auditor's report CA-05-20 providing summary of audit results – Corporate Cloud Computing Management Audit in Appendix A.

- c. Report recommending approval of the 2019 consolidated financial statements as audited by Deloitte LLP (F-21-20)

Approve the 2019 consolidated financial statements for the City of Burlington and the local boards, as audited by Deloitte LLP; and

Approve the 2019 financial statements for the trust funds of the City of Burlington as audited by Deloitte LLP; and

Authorize the Director of Finance to publish the statements on the City's website.

- d. Financial highlights as at June 30, 2020 (F-33-20)

Receive and file finance department report F-33-20 providing financial highlights as at June 30, 2020.

10.4 Corporate Services, Strategy, Risk & Accountability meeting of September 17, 2020

- a. High level corporate strategy workplan update (CM-24-20)

Receive and file the updated corporate strategy high-level workplan as outlined in Appendix A of City Manager's office report CM-24-20.

- b. Operating budget performance report as of June 30, 2020 (F-46-20)

Direct the Chief Financial Officer to report back on the city's year-end strategy upon confirmation of the 2020 year-end actual.

- c. Association of Municipalities of Ontario 2020 virtual conference highlights (MO-08-20)

Receive and file office of the mayor's report MO-08-20 providing an update on the 2020 Association of Municipalities of Ontario conference.

- d. COVID-19 emergency response verbal update (CSSRA-08-20)

Receive and file the September 17, 2020 staff presentation providing an update on the COVID-19 emergency response.

- e. Service re-design interim modifications and resumptions (CM-25-20)

Receive and file Appendix A of city manager's office report CM-25-20 providing an update to the interim service delivery modifications for Resumption of Collection Services Halton Court Services – Legal Services, and Use of Facilities by Community Partners – Recreation Services; and

Receive and file Appendix B of city manager's office report CM-25-20 providing interim service delivery modifications for Burlington Public Library; and

Direct the Chief Financial Officer to track and monitor the financial implications of the above service delivery program changes in the ongoing COVID-19 financial impact reporting to Council.

- f. Voting options for 2022 and ranked ballots (CL-06-20) (SD-17-20)

Direct the City Clerk to prepare and issue a request for proposals for a vote tabulation system for the 2022 municipal election, and any by-elections leading up to 2026, with an option to extend for the 2026 municipal election accordingly, with the following vote options:

- a) optical scan tabulators for in person advance voting and on election day;
- b) internet voting for advance voting opportunities only; and

Direct the City Clerk to consult with members of Council, and the public with respect to the municipal elections and any potential policies or enhancements to be considered when preparing for the 2022 City of Burlington election and report back to a future Corporate Services, Strategy, Risk & Accountability Committee meeting with a summary and potential policy options; and

Direct the City Clerk to proceed with option 2 regarding the use of ranked ballots as outlined in clerks department report CL-06-20 and initiate conversations with other municipalities that are considering ranked ballots for the purpose of cost sharing; and

Direct the City Clerk to keep in mind the need to be representative in the public consultation process; and

Direct the City Clerk to schedule a Council Workshop by Q3 2021 presenting the outcome of the consultation process, including potential policy changes and other enhancements.

- g. Emergency management – declaration of emergency protocol (BFD-02-20)

Direct the Community Emergency Management Coordinator (CEMC) to integrate a decision matrix into the Emergency and Continuity Management Program (By-Law 046-2019) to encourage development of emergency-specific decision-making criteria to support termination of municipal emergency declaration; and

Endorse the decision-making criteria outlined in Appendix B of Burlington fire department report BFD-02-20 to be applied as a benchmark to guide the Mayor and/or Council in future decision making to terminate the declaration of emergency specific to the COVID19 pandemic.

- h. Advisory committee review (CL-17-20)

Approve in principle the committee definitions, and the assumptions outlined in clerks department report CL-17-20 with respect to advisory committees, to be incorporated in future clerks department policies; and

Disband the Citizen Advisory Committee Review Team, and receive and file

the Review Team report dated January 6, 2020 attached as Appendix D to clerks department report CL-17-20; and

Deem the Council resolution, passed on December 17, 2018 with respect to citizen committees, complete; and

Direct the City Clerk to recruit for advisory committees to bring them to full complement, except for Burlington's Best.

i. 2021 budget framework (F-45-20)

Receive and file finance department report F-45-20 regarding the 2021 budget framework; and

Temporarily redirect the planned 1.25% increase to the dedicated infrastructure renewal levy for 2021 to the operating budget for 1 year to provide funding for one-time COVID-19 related financial impacts.

j. Confidential legal update on a litigation matter (L-11-20)

Pursuant to Section 239(2)(e) of the Municipal Act, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

Instruct the Executive Director of Legal Services and Corporation Counsel or their designate to proceed in accordance with the instructions sought in confidential legal department report L-11-20.

k. Confidential legal update on a litigation matter (L-24-20)

Pursuant to Section 239(2)(e) of the Municipal Act, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

Instruct the Executive Director of Legal Services and Corporation Counsel or their designate to proceed in accordance with the instructions sought in confidential legal department report L-24-20.

10.5 Community Planning, Regulation and Mobility Public Meeting of September 22, 2020

a. Statutory public meeting and recommendation report for a zoning by-law amendment for 961 & 970 Zelco Drive and 4425 South Service Road (PL-50-20)

Direct staff to continue to work with the applicant (UrbanSolutions Planning and Land Development Consultants Inc) in regards to the submitted zoning by-law amendment application for 961 & 970 Zelco Drive and 4425 South

Service Road, Burlington, ON.

- b. Submission on Region of Halton's Official Plan Discussion Papers (PL-28-20)

Direct the Director of Community Planning to submit the appendices to Community Planning Department report PL-28-20 as the City of Burlington Submission on the Region of Halton's Official Plan Discussion Papers by the comment submission deadline of September 28, 2020; and

Direct the Director of Community Planning to provide any additional comments to the Region, if any, upon Council approval on September 28, 2020; and

Request that the Region consider, during their Municipal Comprehensive Review, adjusting the Major Transit Station Area boundaries around the Aldershot GO station to exclude the Clearview/Queen Mary/ St. Matthews neighbourhood; and

Direct the Director of Community Planning to include the Burlington Agriculture & Rural Affairs Advisory Committee's comments, as outlined in Appendix C to community planning report PL-28-20, with the City of Burlington's Submission on the Region of Halton's Official Plan Discussion Papers.

11. Motion to Approve Standing Committee Minutes:

Approve the following minutes:

- 11.1 Environment, Infrastructure & Community Services meeting minutes of September 14, 2020
- 11.2 Community Planning, Regulation & Mobility meeting minutes of September 15, 2020
- 11.3 Audit Committee meeting minutes of September 16, 2020
- 11.4 Corporate Services, Strategy, Risk & Accountability meeting minutes of September 17, 2020
- 11.5 Community Planning, Regulation and Mobility Public meeting minutes of September 22, 2020

12. Reports of Municipal Officers:

- 12.1 CC-05-20 COVID-19 Municipal Funding

Authorize the Mayor and City Clerk to execute the necessary Transfer Payment

Agreements between the City of Burlington and the Province of Ontario in relationship to the Safe Restart Funding, and the Municipal Transit Enhanced Cleaning Fund, along with any other related documents or by-laws to the satisfaction of the Executive Director of Legal Services and Corporation Counsel, and;

Direct the Chief Financial Officer to seek Phase 2 funding for Municipal Operating Pressures and Municipal Transit funding, on behalf of the City of Burlington, as part of the Federal-Provincial Safe Restart Program; and.

Authorize the Mayor and City Clerk to execute the necessary Transfer Payment Agreement between the City of Burlington and the Province of Ontario in relation to the Public Transit Infrastructure Stream funding subject to the satisfaction of the Executive Director of Legal Services.

12.2 Confidential Legal Advice regarding a Planning Matter (L-30-20)

Pursuant to section 239 (2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

To be distributed under separate cover.

12.3 Confidential Verbal Update regarding a Real Estate Matter.

Pursuant to section 239 (2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

13. Notices of Motion:

14. Motions:

14.1 Bill 156 Resolution (ADM-09-20)

Whereas the *Security from Trespass and Protecting Food Safety Act, 2020* recognizes the unique risks that can result from interfering with livestock transport including creating unsafe work conditions as well as causing stress to animals and introducing diseases or contaminating our food supply; and

Whereas Sections 6(1), 7, 14(1) 3 and 15(1) of the Act came into effect on September 2, 2020 and prohibit the stopping, hindering, obstructing or otherwise interfering with a motor vehicle transporting farm animals; and

Whereas protest groups, including minor children, present outside the Sofina pork plant in Burlington continue to reach inside livestock trailers to touch, film and give water to the pigs creating an unsafe situation where they may be injured by the animals or trailer; and

Whereas the recent tragic loss of the life of a protester in Burlington underscores the

urgent need to ensure the safety of all involved; and

Whereas Section 6(2) of the Act states that no person shall interfere or interact with a farm animal being transported by a motor vehicle without the prior consent of the driver of the motor vehicle;

Therefore be it resolved that the City of Burlington pass a resolution urging the Ontario Minister of Agriculture, Food and Rural Affairs to immediately proclaim Section 6(2) of the Act in order to provide a legal basis to prevent the unsafe practice of protestors having contact with livestock trailers and animals; and

That this resolution be forwarded to Ontario Minister of Agriculture, Food and Rural Affairs, the Association of Municipalities of Ontario and the Region of Halton.

14.2 Motion to Move into Closed Session

Note: the confidential items will be discussed immediately following delegations.

Move into closed session in accordance with the following provisions under the Municipal Act, section 239 (2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, with respect to Legal report L-30-20 regarding Confidential Legal Advice respecting a Planning Matter and section 239 (2)(c)a proposed or pending acquisition or disposition of land by the municipality or local board regarding a verbal update regarding a real estate matter.

14.3 Motion to Move into Public Session

Moved into Public Session

15. **Motion to Receive and File Council Information Packages:**

Receive and file the following Information Packages, having been prepared and distributed to Council:

15.1 Council Information Package September 4, 2020

15.2 Council Information Package September 17, 2020

15.3 Council Information Package September 24, 2020

16. **Motion to Receive and File Information Items:**

Receive and file information items, having been considered by Council:

16.1 Memorandum from Councillor Paul Sharman regarding Bill 156 (ADM-09-20)

16.2 Correspondence from Robert Martin regarding Submission on Region of Halton's Official Plan Discussion Papers (PL-28-20)

- 16.3 Correspondence from Michelle Gruszecki representing Trans/Northern regarding Statutory Public Meeting and recommendation – 420 Guelph Line official plan amendment and rezoning applications (PL-49-20)

17. Motion to Approve By-Laws:

Enact and pass the following by-laws which are now introduced, entitled and numbered as indicated below:

- 17.1 2020.423: Amendment to Zoning By-law 2020, as amended to permit a long-term care facility at 4103 Palladium Way
- 17.2 76-2020: A by-law to amend By-law 46-2019, to provide for an Emergency and Continuity Management Program.

18. Motion to Confirm Proceedings of the Council Meeting:

Enact and pass By-law Number 77-2020, being a by-law to confirm the proceedings of Council at its meeting held Monday, September 28, 2020, being read a first, second and third time.

19. Statements by Members:

20. Motion to Adjourn:

Adjourn this Council now to meet again at the call of the Mayor.